

PRESIDENT: Can we have your attention, please.

SENATOR V. JOHNSON: Now one of the....I think one of the problems I have with this bill is that it...as I see it, Senator Warner, what you are doing is you are enhancing a penalty. Is that correct? Okay. So what it amounts to is that we have become angry collectively about the bid rigging in the state. We have simply decided to enhance the penalty, moving the penalty for this type of activity on the part of the bid rigger from a misdemeanor to a felony. Now I don't have any real problem with enhancement of a penalty but I want this body to understand that every time we add a penalty to our books and every time we enhance a penalty to our books, we end up placing increased pressures on our prison system. As of last week we had 1,550 inmates in the Nebraska Penal Complex, in our prisons. We are now above the maximum stress level in our Nebraska Penal Complex, and it seems to me that we ought to be more thoughtful about simply enhancing penalties. Every time we enhance a penalty we ought to take some penalty off the books to keep in balance the flow of people going into our very finite resources. Now if Senator Warner wants to enhance a penalty, that is fine, but I think by the same token there ought to be a quid pro quo, we ought to reduce a penalty someplace else so we don't continue to jam up our penitentiary and our jails and end up with a situation like occurred in New Mexico where because of overcrowded conditions there was a terrible riot and people were killed. But the price that this Legislature and the State of Nebraska pays for simply always increasing penalties is continued movement of folk into our penal system which can cause tremendous crowding problems, tremendous cost problems and, frankly, tremendous social problems. It is for that reason I am just going to rise in opposition to a bill that simply enhances a penalty.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. President and members of the Legislature, your Judiciary Committee is not particularly interested in just raising penalties either and we give a lot of careful thought to any bill that purports to raise a penalty. At the present time in the Nebraska penal system we have about 1500 inmates. We don't have a single bid rigger even though they virtually stole, literally stole, in my opinion, clearly stole millions and millions of dollars. The reason that we are enhancing the penalty is because of some problems inherent in prosecuting bid riggers and the inherent problem is that it is very difficult to establish...for a prosecutor to establish under the law